

Kenneth S. Montoya, OSB #06446  
Assistant City Attorney  
*kmontoya@cityofsalem.net*  
City of Salem Legal Department  
555 Liberty Street SE, Room 205  
Salem, OR 97301-3513  
Tel: (503) 588-6003  
Fax: (503) 361-2202  
Attorney for the City of Salem

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON – PORTLAND DIVISION

JUSTIN JAMES BRIDGES, an individual,  
v.  
Plaintiff,

Case No: 3:12-cv-01276-ST  
**ANSWER**  
**DEMAND FOR JURY**

CITY OF PORTLAND, a municipal corporation;  
SGT. JAMI RESCH, an individual; SGT. JOE  
SANTOS, an individual; OFFICER BERG, an  
individual; OFFICER RAFAEL CORTADA, an  
individual; OFFICER JASON GRAF, an individual;  
OFFICER DAVE THOMAN, an individual;  
OFFICER D. WILLIAMS, an individual; OFFICER  
AMY FOSTER, an individual; JOHN AND JANE  
DOES 1 THROUGH 50, individual police officers  
from various police departments; JOHN AND JANE  
DOES 51-56, individual officers with the Portland  
Police Bureau bicycle division; CITY OF  
MILWAUKIE; CITY OF SALEM; CITY OF  
OREGON CITY; CITY OF TIGARD; CITY OF  
TUALATIN; and CITY OF VANCOUVER,  
WASHINGTON.

Defendants.

In answer to plaintiff's Complaint, defendants City of Salem and unnamed City of Salem Police, for themselves alone, admit, deny and allege as follows:

1.

Admit paragraphs 16, 17 and 18.

2.

Deny paragraphs 1, 26, 27, 28, 30-32, 34-37, 40-45, 53-55, 57-59, 62-65, 68-70, 94-99, 101 and 102.

3.

In response to paragraphs 2, 20, 21, 23-25, 29, 33, 38, 39, 46, 47, 49, 61 and 67, these defendants are without knowledge necessary to respond and, on this basis, deny these paragraphs at this time.

4.

Paragraphs 3-11, 14, 22, 48, 50, 51, 72-76, 78-80, 82-86, 88-92 and 100 are directed against other defendants and, as such, no response is due from these defendants.

5.

Paragraphs 12, 13 and 15 set forth how defendants are referred to in the remainder of plaintiff's Complaint and, as such, no response is due from these defendants.

6.

In response to paragraph 19, plaintiff improperly pleads conclusions of law to which no response is due.

7.

In response to paragraph 52, defendants reallege and admit and deny as alleged above in response to paragraphs 1 through 51.

8.

In response to paragraph 56, defendants reallege and admit and deny as alleged above in response to paragraphs 1 through 55.

9.

In response to paragraph 60, defendants reallege and admit and deny as alleged above in response to paragraphs 1 through 59.

10.

In response to paragraph 66, defendants reallege and admit and deny as alleged above in response to paragraphs 1 through 65.

11.

In response to paragraph 71, defendants reallege and admit and deny as alleged above in response to paragraphs 1 through 70.

12.

In response to paragraph 77, defendants reallege and admit and deny as alleged above in response to paragraphs 1 through 76.

13.

In response to paragraph 81, defendants reallege and admit and deny as alleged above in response to paragraphs 1 through 80.

14.

In response to paragraph 87, defendants reallege and admit and deny as alleged above in response to paragraphs 1 through 86.

15.

In response to paragraph 93, defendants reallege and admit and deny as alleged above in response to paragraphs 1 through 92.

16.

Except as specifically admitted, defendants deny each and every allegation in the complaint.

FOR A FIRST AFFIRMATIVE DEFENSE, defendants allege:

17.

Plaintiffs have failed to state facts sufficient to constitute a claim for one or more of the theories of liability alleged.

FOR A SECOND AFFIRMATIVE DEFENSE, defendants allege:

18.

Salem Police Officers were acting in the course and scope of their employment with the City of Salem.

19.

There was probable cause or reasonable suspicion for the actions undertaken by Salem Police Officers.

FOR A THIRD AFFIRMATIVE DEFENSE, defendants allege:

20.

Salem Police Officers, to the extent they are sued individually, are immune from liability under the doctrine of qualified immunity in that their conduct did not violate any clearly established law and their actions were objectively reasonable at all times.

FOR A FOURTH AFFIRMATIVE DEFENSE, defendants allege:

21.

The action and conduct of Salem Police Officers were undertaken in the good-faith performance of their official duties, without malice and are, therefore, privileged under Oregon law.

FOR A FIFTH AFFIRMATIVE DEFENSE, defendants allege:

22.

Defendant City of Salem is a public body.

23.

Plaintiff's state claims are subject to the conditions, limitations and immunities contained in the ORS Tort Claims Act, ORS 30.260 et seq.

WHEREFORE, having fully answered plaintiff's Complaint, defendants pray judgment that plaintiff take nothing thereby and that plaintiff's action be dismissed with prejudice and that defendants have judgment in their favor and against the plaintiff for their costs and disbursements incurred herein.

Defendants respectfully demand trial by jury.

DATED this 31<sup>st</sup> day of August, 2012.

/s/Kenneth S. Montoya  
KENNETH S. MONTOYA, OSB #064467  
Assistant City Attorney, City of Salem  
Attorney for City of Salem Defendants

### CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **ANSWER TO PLAINTIFF'S COMPLAINT** on:

Thomas Freedman  
Pearl Law LLC  
312 NW 10<sup>th</sup> Ste 201  
Portland, OR 97209  
thomas@prllaw.com

By the following indicated method or methods:

- XX By electronic means through the Court's Case Management/Electronic Case File system on the date set forth below;
- By faxing a copy thereof to each attorney at each attorney's last-known facsimile number on the date set forth below;
- By mailing a full, true, and correct copy thereof in a sealed, first-class postage-prepaid envelope, addressed to the attorney's last-known office address listed above and causing it to be deposited in the U.S. mail at Salem, Oregon, on the date set forth below;
- By causing a copy thereof to be hand-delivered to said attorney at each attorney's last-known office address listed above on the date set forth below;
- By sending a copy thereof via overnight courier in a sealed, prepaid enveloped, addressed to each attorney's last-known address on the date set forth below.

DATED this 31<sup>st</sup> day of August, 2012.

*/s/Kenneth S. Montoya*  
KENNETH S. MONTOYA, OSB # 064467  
Attorney for City of Salem Defendants

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